

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

James Muhammad,)	Civil Action No.: 3:12-1196-MGL
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
Chris Lindgren,)	
)	
Defendants.)	
)	

Plaintiff James Muhammad (“Plaintiff”), proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983 on May 8, 2012, against the Defendant alleging violations of his constitutional rights. (ECF No. 1.) At the time of the underlying events, Plaintiff was a resident of Geo Care, involuntarily committed by the Aiken County Probate Court.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. On January 9, 2013, Magistrate Judge McCrorey entered a Report and Recommendation (“Report”) recommending that this action be dismissed with prejudice pursuant to Rule 41(b), Fed.R.Civ.P., because Plaintiff failed to provide a current mailing address to the Court, and has therefore failed to comply with this Court’s orders. (ECF No. 25.) The Report of Magistrate Judge McCrorey was mailed to Plaintiff advising him of his right to file objections to the Report and the time frame in which he must do so. (ECF No. 26.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The Court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed

objection, a district court need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

On September 24, 2012, and October 3, 2012, mail addressed to Plaintiff were returned to the Clerk of Court, marked "wrong address," and "no longer here." (ECF Nos. 21, 22.) Plaintiff was advised by order filed May 21, 2012 (ECF No. 6), of his responsibility to notify the Court in writing if his address changed. Plaintiff was also informed that his case could be dismissed for failing to comply with the Court's order. (ECF No. 6 at 3.)

Plaintiff failed to file objections and failed to comply with this Court's Order of May 21, 2012, by not keeping the Clerk advised of his current address. It appears that Plaintiff no longer wishes to pursue this action. Accordingly, the Court accepts the Report and Recommendation of Magistrate Judge McCrorey.

After careful review of the record, the applicable law, and the Report and Recommendation, the within action is hereby DISMISSED with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

/s/Mary G. Lewis
United States District Judge

Spartanburg, South Carolina
May 1, 2013